

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact Upon the Existing)
Television Broadcast Service)

To: The Commission

OPPOSITION TO PETITION FOR RECONSIDERATION

Civic License Holding Company, Inc. ("Civic"), the licensee of WLBT(TV), NTSC Channel 3, DTV Channel 51, Jackson, Mississippi, by its attorneys, hereby opposes the Petition for Reconsideration ("Petition") filed April 20, 1998, by Fant Broadcast Development, L.L.C. ("Fant") in the above-captioned proceeding.

In its Petition, Fant requests that the Commission amend its DTV Table of Allotments¹ by relocating WLBT from DTV Channel 51 to DTV Channel 53. This modification would protect Fant's pending application for a new television station to operate on NTSC Channel 51 at Jackson, Mississippi, by eliminating the potential for co-channel interference with WLBT's current DTV allotment.² The proposed relocation

¹ See Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, FCC 98-24 (released February 23, 1998) ("MO&O").

² The site proposed in the Fant application is only 15.77 kilometers from the presumed site of WLBT's DTV operations.

of WLBT, however, is a flawed solution to the co-channel allotment conflict and must be denied.

Fant's initial proposal is unacceptable because DTV Channel 53 is clearly outside the established "core spectrum."³ As a result, Civic would be forced to relocate WLBT to a channel within the core spectrum at the end of the DTV transition period. Such a "double move" for the station's digital facilities would require substantial additional equipment expenditures and increase viewer confusion in the process.

Although Civic could relocate WLBT to its current NTSC Channel 3 at the end of the transition period, thereby removing the need to search for a channel in the DTV core spectrum, Civic would still face the extremely expensive prospect of building digital facilities for the station twice. Moreover, it is unclear whether DTV operations on low-band VHF channels will be as effective as operation on other channels.

In addition, the Commission has stated that it will generally deny "requests by parties to change the DTV allotments of stations licensed to other parties where such parties have not agreed to the proposed change."⁴

As an alternative to the substitution of DTV channel allotments for WLBT, Fant proposes in its Petition that it could operate a new NTSC station in Jackson on any of three alternate channels, without causing interference to any DTV facility. Should the

³ The Commission has established a DTV "core spectrum" of channels 2-51. MO&O at ¶ 42.

⁴ MO&O at ¶ 187.


Commission elect to allow Fant to amend its pending application to specify operation on one of those vacant allotments, Civic would have no objection.

In light of the foregoing, Civic respectfully requests that the Commission reaffirm a DTV allotment of Channel 51 for WLBT and deny the Fant Petition insofar as it would change that allotment.

Respectfully submitted,

CIVIC LICENSE HOLDING COMPANY, INC.

By:


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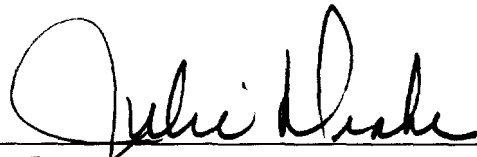
Its Attorneys

May 26, 1998

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of May, 1998, I caused copies of the foregoing OPPOSITION TO PETITION FOR RECONSIDERATION to be mailed via first-class postage prepaid mail to the following:

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